

Senate Engrossed

State of Arizona
Senate
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 74

SENATE BILL 1111

AN ACT

AMENDING SECTION 36-540.01, ARIZONA REVISED STATUTES; RELATING TO COURT
ORDERED TREATMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-540.01, Arizona Revised Statutes, is amended to
3 read:

4 36-540.01. Conditional outpatient treatment

5 A. The medical director may issue an order for conditional outpatient
6 treatment for a patient ordered to undergo treatment pursuant to section
7 36-540 if, after consultation with staff familiar with the patient's case
8 history, the medical director determines with a reasonable degree of medical
9 probability that all of the following apply:

10 1. The patient no longer requires continuous inpatient
11 hospitalization.

12 2. The patient will be more appropriately treated in an outpatient
13 treatment program.

14 3. The patient will follow a prescribed outpatient treatment plan.

15 4. The patient will not likely become dangerous, suffer more serious
16 physical harm or serious illness or further deteriorate if he THE PATIENT
17 follows a prescribed outpatient treatment plan.

18 B. The order for conditional outpatient treatment issued by the
19 medical director shall include a written outpatient treatment plan prepared
20 by staff familiar with the patient's case history and approved by the medical
21 director. The plan shall include all of the following:

22 1. A statement of the patient's requirements, if any, for supervision,
23 medication and assistance in obtaining basic needs such as employment, food,
24 clothing or shelter.

25 2. The address of the residence where the patient is to live and the
26 name of the person in charge of the residence, if any.

27 3. The name and address of any person, agency or organization assigned
28 to supervise an outpatient treatment plan or care for the patient, and the
29 extent of authority of the person, agency or organization in carrying out the
30 terms of the plan.

31 4. The conditions for continued outpatient treatment, which may
32 require periodic reporting, continuation of medication and submission to
33 testing, and may restrict travel, consumption of spirituous liquor and drugs,
34 associations with others, and incurrence of debts and obligations, or such
35 other reasonable conditions as the medical director may specify.

36 C. Before release for conditional outpatient treatment, the patient
37 shall be provided with copies and full explanations of the medical director's
38 order and the treatment plan. If, after full explanation, the patient
39 objects to the plan or any part of it, the objection and reasons for the
40 objection shall be noted in the patient's record. The medical director's
41 order and treatment plan shall be filed in the patient's medical file and
42 shall also be filed with the court.

43 D. The period for which conditional outpatient treatment may be
44 ordered may not exceed the remainder of the period of court ordered
45 treatment.

1 E. Before THE release of a patient found to be a danger to others for
2 outpatient treatment, the medical director shall give notice pursuant to
3 section 36-541.01, subsection B and a motion for a determination by the court
4 as to whether the standard for conditional release of the patient has been
5 met may be made by the persons and in the manner provided for in section
6 36-541.01, subsection G. Before the release of a person found to be a danger
7 to self, to be persistently or acutely disabled or to be gravely disabled for
8 outpatient treatment, the medical director shall give notice to the court
9 which THAT ordered the patient to undergo treatment.

10 F. The medical director shall require periodic reports concerning the
11 condition of patients on conditional outpatient treatment from any person,
12 agency or organization assigned to supervise an outpatient treatment
13 plan. Such reports shall be required at intervals not to exceed thirty days.

14 G. The medical director shall review the condition of a patient on
15 conditional outpatient treatment at least once every thirty days and enter
16 his THE findings in writing in the patient's file. In conducting the review,
17 the medical director shall consider all reports and information received and
18 may require the patient to report for further evaluation.

19 H. The medical director may amend any part of the outpatient treatment
20 plan during the course of conditional outpatient treatment. If the plan is
21 amended, the medical director shall issue a new order including the amended
22 outpatient treatment plan. The new order and amended outpatient treatment
23 plan shall be filed in the patient's medical file. Copies of the new order
24 and outpatient treatment plan shall be immediately provided to the patient
25 and to any person, agency or organization assigned to supervise an outpatient
26 treatment plan. Copies of the new order and outpatient treatment plan shall
27 be immediately filed with the court.

28 I. The medical director may rescind an order for conditional
29 outpatient treatment and order the patient to return to a mental health
30 treatment agency at any time during the period of court ordered treatment if,
31 in the medical director's judgment, the patient has failed to comply with a
32 term of the outpatient treatment plan or if, for any reason, the medical
33 director determines that the patient needs inpatient treatment or that
34 conditional outpatient treatment is no longer appropriate.

35 J. If the medical director rescinds an order for conditional
36 outpatient treatment and the patient is returned to a mental health treatment
37 agency for inpatient treatment, the patient shall be informed of his THE
38 PATIENT'S right to judicial review and right to consult with counsel pursuant
39 to section 36-546.

40 K. If the medical director rescinds an order for conditional
41 outpatient treatment and orders the patient to return to a mental health
42 treatment agency, the medical director may request a peace officer or a
43 designated officer or employee of the treatment agency to take the patient
44 into custody for immediate delivery to the agency pursuant to section 36-544.

1 L. The medical director is not civilly liable for any act committed
2 by a patient while on conditional outpatient treatment if the medical
3 director has in good faith followed the requirements of this section.

4 M. ~~Nothing in~~ This section prevents DOES NOT PREVENT the medical
5 director from authorizing a patient ordered to undergo treatment pursuant to
6 section 36-540 as a danger to self, a danger to others, persistently or
7 acutely disabled or gravely disabled to leave the treatment agency for
8 periods of no more than five days under the care, custody and control of a
9 spouse, relative or other responsible person if the medical director
10 determines that the patient will not become dangerous or suffer serious
11 physical harm or illness during that time.

12 N. THE MEDICAL DIRECTOR MAY AUTHORIZE A PATIENT WHO IS CIVILLY
13 COMMITTED PURSUANT TO SECTION 36-540 TO LEAVE THE STATE HOSPITAL GROUNDS
14 UNACCOMPANIED IF THE LEAVE IS PART OF AN INPATIENT INDIVIDUALIZED TREATMENT
15 AND DISCHARGE PLAN, AND IF THE MEDICAL DIRECTOR DETERMINES THAT THE PATIENT
16 WILL NOT BECOME DANGEROUS OR SUFFER SERIOUS PHYSICAL HARM OR ILLNESS DURING
17 THAT TIME.

APPROVED BY THE GOVERNOR APRIL 17, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2003.



Passed the House April 10, 20 03,

by the following vote: 40 Ayes,

18 Nays, 2 Not Voting

Jake Flake
Speaker of the House

Norman L. Moore
Chief Clerk of the House

Passed the Senate February 26, 20 03,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

Ken Bennett
President of the Senate

Chaimin Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

14 day of April, 2003,

at 11:50 o'clock A M.

Sandra Ramirez
Secretary to the Governor

Approved this 17 day of

April, 2003,

at 4:00 o'clock P. M.

Jt. Nagle
Governor of Arizona

S.B. 1111

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 18 day of April, 2003,

at 11:18 o'clock A. M.

Janice K. Brewer
Secretary of State